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EXAMINER

KUIPER, ERIC J

ART UNIT PAPER NUMBER

2154

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/018,415

Applicant(s)

RULAND ET AL.

Examiner

Eric Kuiper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 4, 8-11 and 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/15/02</u>   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-17 have been presented for examination.

#### ***Specification***

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

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- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Drawings***

4. The drawings are objected to because a copy of Figure 1 translated into English has not been included with this application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 4-17 are objected to because of the following informalities:

Regarding claims 4 and 11, lines 12-13 of both claims contain the phrase “the input unit coupled is coupled to wireless communication unit” which appears to be a typographical error of the additional term “coupled.”

Regarding claims 8-10 and 15-17, all claims recite the limitation “wherein interface communicates via...” which appears to be a typographical error, since the term “interface” should be preceded by “the.”

Applicant is advised that should claims 4-10 be found allowable, claims 11-17 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The slight difference of claim 4 including an operating system in the computer system is inherent in the computer system of claim 11, since claim 4 and claim 11 both contain the further limitation of a storage unit for storing an operating system.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, 6, 12 and 13 recite the limitation "the second storage unit" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-7, 10-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Floman et al. (US 6,684,324, hereinafter Floman).

10. As per claim 1, Floman teaches a computer, comprising an input unit and an output unit (e.g. Floman, keyboard, microphone, display, speaker, col. 4, lines 45-49; Fig. 1), at least one processor unit (e.g. Floman, col. 4, lines 29-32; Fig. 1) and a first storing means, for storing the operating system of the computer (e.g. Floman, col. 4, lines 57-63; Fig. 1), characterized in

that a storing unit for storing a first set of application software, and being connected to the processor unit, is made electronic or optic (e.g. Floman, col. 5, lines 20-30; Fig. 1);

that a communication unit for wireless communication is connected to the processor unit (e.g. Floman, col. 4, lines 29-44; Fig. 1);

that the computer is adjustable between a first working mode, in which the processor unit executes a first set of application software loaded from the storing unit in a working memory

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(e.g. Floman, col. 6, lines 4-14), and a second working mode, in which a second set of application software is executed in an external computer (e.g. separate data processor), connected via the communication unit (e.g. Floman, col. 9, lines 19-42); and

that the input unit is connected to the communication unit, for control of the second set of application software in the second working mode (e.g. Floman, col. 9, lines 19-42; Fig. 3).

11. As per claim 2, Floman teaches a computer according to claim 1, wherein the communication unit comprises an interface for package intermediary communication (e.g. Floman, col. 4, lines 32-36).

12. As per claim 3, Floman teaches a computer according to claim 2, wherein the communication unit comprises an interface for communication via GPRS, EDGE or UMTS (e.g. Floman, col. 4, lines 32-36).

13. As per claim 4, Floman teaches a computer system having an operating system (e.g. Floman, col. 4, lines 20-22), a first set of application programs (e.g. Floman, col. 6, lines 4-14), a second set of application programs (e.g. Floman, col. 9, lines 19-47), and an external computer (e.g. Floman, col. 9, lines 2-9), the computer system comprising:

an input unit (e.g. Floman, keyboard, microphone, col. 4, lines 45-49; Fig. 1);

an output unit (e.g. Floman, display, speaker, col. 4, lines 45-49; Fig. 1);

at least one processor unit (e.g. Floman, col. 4, lines 29-32; Fig. 1);

a storage unit, for storing an operating system of the computer and for storing the first set of application programs, the storage unit coupled to the at least one processor unit (e.g. Floman, col. 5, lines 20-30; Fig. 1);

a wireless communication unit coupled to the at least one processor (e.g. Floman, col. 4, lines 29-44; Fig. 1);

wherein the computer system has a first mode of operation, in which the at least one processor unit executes the first set of application programs loaded from the storage unit (e.g. Floman, col. 6, lines 4-14) and a second mode of operation in which the external computer executes the second set of application programs, the external computer is coupled to the wireless communication unit and the input unit is coupled to the wireless communication unit for control of the second set of application programs (e.g. Floman, col. 9, lines 19-47; Fig. 3).

14. As per claim 5, Floman teaches the computer system as recited in claim 4, wherein the second storage unit is optically coupled to the at least one processor unit (e.g. Floman, infrared link, col. 5, lines 20-30).

15. As per claim 6, Floman teaches the computer system as recited in claim 4, wherein the second storage unit is electrically coupled to the at least one processor unit (e.g. Floman, col. 5, lines 32-39).



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16. As per claim 7, Floman teaches the computer system as recited in claim 4, wherein the wireless communication unit is an interface for package intermediary communication (e.g. Floman, col. 4, lines 32-36).

17. As per claim 10, Floman teaches the computer system as recited in claim 7, wherein interface communicates via UMTS (e.g. Floman, col. 4, lines 32-36).

18. As per claim 11, Floman teaches a computer system a first set of application programs (e.g. Floman, col. 6, lines 4-14) and a second set of application programs (e.g. Floman, col. 9, lines 19-47), and an external computer (e.g. Floman, col. 9, lines 2-9), the computer system comprising:

- an input unit (e.g. Floman, keyboard, microphone, col. 4, lines 45-49; Fig. 1);

- an output unit (e.g. Floman, display, speaker, col. 4, lines 45-49; Fig. 1);

- at least one processor unit (e.g. Floman, col. 4, lines 29-32; Fig. 1);

- a storage unit, for storing an operating system and for storing the first set of application programs, the storage unit coupled to the at least one processor unit (e.g. Floman, col. 5, lines 20-30; Fig. 1);

- a wireless communication unit coupled to the at least one processor (e.g. Floman, col. 4, lines 29-44; Fig. 1);

- wherein the computer system has a first mode of operation, in which the at least one processor unit executes the first set of application programs loaded from the storage unit (e.g. Floman, col. 6, lines 4-14) and a second mode of operation in which the external computer

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executes the second set of application programs, the external computer is coupled to the wireless communication unit and the input unit is coupled to the wireless communication unit for control of the second set of application programs (e.g. Floman, col. 9, lines 19-47; Fig. 3).

19. As per claim 12, Floman teaches the computer system as recited in claim 11, wherein the second storage unit is optically coupled to the at least one processor unit (e.g. Floman, infrared link, col. 5, lines 20-30).

20. As per claim 13, Floman teaches the computer system as recited in claim 11, wherein the second storage unit is electrically coupled to the at least one processor unit (e.g. Floman, col. 5, lines 32-39).

21. As per claim 14, Floman teaches the computer system as recited in claim 11, wherein the wireless communication unit is an interface for package intermediary communication (e.g. Floman, col. 4, lines 32-36).

22. As per claim 17, Floman teaches the computer system as recited in claim 14, wherein interface communicates via UMTS (e.g. Floman, col. 4, lines 32-36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8, 9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floman et al. (US 6,684,324, hereinafter Floman) in view of Haaramo et al. (US 6,757,531, hereinafter Haaramo).

23. As per claim 8 and 15, Floman teaches the computer system as recited in claims 7 and 14, respectively, but fails to specifically teach wherein interface communicates via GPRS.

However, in a similar art, Haaramo teaches a computer system in a communication network that uses a GPRS structure, and further teaches that the same could be accomplished using similar wireless communication structures, including UMTS and EDGE (e.g. Haaramo, col. 4, lines 65-67; col. 5, lines 1-12).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Haaramo with Floman to enable the UMTS network communications portion of Floman to be performed according to the teachings of Haaramo. One of ordinary skill in the art would have been motivated to look to analogous art teaching alternative suitable or useful methods of

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performing the disclosed GPRS network communications portion of Haaramo, art recognized suitability for an intended purpose has been recognized to be motivation to combine. See MPEP 2144.07.

24. As per claims 9 and 16, Floman teaches the computer system as recited in claims 7 and 14, respectively, but fails to specifically teach wherein interface communicates via EDGE.

However, in a similar art, Haaramo teaches a computer system in a communication network that uses a GPRS structure, and further teaches that the same could be accomplished using similar wireless communication structures, including UTMS and EDGE (e.g. Haaramo, col. 4, lines 65-67; col. 5, lines 1-12).

It would have been obvious to one of ordinary skill in the art to combine the teachings of Haaramo with Floman to enable the UMTS network communications portion of Floman to be performed according to the teachings of Haaramo. One of ordinary skill in the art would have been motivated to look to analogous art teaching alternative suitable or useful methods of performing the disclosed EDGE network communications portion of Haaramo, art recognized suitability for an intended purpose has been recognized to be motivation to combine. See MPEP 2144.07.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Alanara et al. (US 6,292,668) teach a mobile communications network terminal, including input, output, processor and memory means that is able to support a plurality of application programs, and communicates using a GPRS network.

Sheynblat et al. (US 6,667,894) teach a communication device which is able to process various application software, including GPS applications and cellular communications using a GPRS network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Kuiper whose telephone number is (571) 272-0953. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric Kuiper  
7 March 2006

  
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